

U.S. Department of
Homeland Security

United States
Coast Guard



Office of the Administrative
Law Judge
United States Coast Guard

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5720
17 September 2019

Andrew Free
MuckRock News
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Somerville, MA 02144-2516
72948-70269758@requests.muckrock.com

RE: DHS FOIA APPEAL Number: 2019-HQAP-00301; FOIA Request Number 2019-HQFO-00728

Dear Mr. Free:

This letter concerns your appeal of the Department of Homeland Security (DHS) Privacy Office's response to addressing your Freedom of Information Act (FOIA) request 2019-HQFO-00301, wherein you sought 6 enumerated requests in your May 9, 2019 email. Your email, received on June 5, 2019, indicates you seek review of Privacy's decision to transfer your request to Immigration and Customs Enforcement (ICE). Specifically, you ask that I instruct Privacy to conduct a search in response to your entire request.

Pursuant to a memorandum of agreement, the United States Coast Guard Office of the Chief Administrative Law Judge is reviewing FOIA appeals for the Department of Homeland Security General Counsel's office. Therefore, the Office of the Administrative Law Judge renders decisions on FOIA appeals on behalf of the Department of Homeland Security.

After a thorough review of your appeal and all applicable documents, I am **AFFIRMING** Privacy's transfer decision. Pursuant to 6 C.F.R. § 5.3(a)(2),

A requester may also send his or her request to the Privacy Office, U.S. Department of Homeland Security, 245 Murray Lane SW STOP-0655, or via the internet at <http://www.dhs.gov/dhs-foia-request-submission-form>, or via fax to (202) 343-4011. The Privacy Office will forward the request to the component(s) that it determines to be most likely to maintain the records that are sought.

Here, Privacy determined ICE was the DHS component most likely to contain some of the records responsive to your request. Because PRIV followed DHS regulations, I am without authority to disturb its decision.

Please note, if PRIV had determined its office was the component most likely to house the materials, it would have conducted a search.

Notwithstanding the above decision, as part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. If you wish to contact OGIS, you may email them at ogis@nara.gov or call 1-877-684-6448.

This decision is the final action of the Department of Homeland Security concerning DHS FOIA APPEAL Number: 2019-HQAP-00301; FOIA Request Number 2019-HQFO-00728. While a comprehensive review of your appeal was made, you may seek judicial review of this decision pursuant to 5 U.S.C. §552(a)(4)(B) in United States District Court for either: 1) the district where you reside; 2) the district where the agency records are situated; or 3) the District of Columbia.

Sincerely,

A handwritten signature in black ink that reads "Tommy Cantrell". The signature is written in a cursive, flowing style.

Tommy Cantrell
Attorney Advisor
United States Coast Guard
Department of Homeland Security